



National Policy Committee on Business, Housing & Economic Development

Resolution: Calling on the Federal Communications Commission to Reform Its Rules Governing
Retransmission Consent to Ensure Those Rules Protect Consumers

(Passed November 2010)

WHEREAS, the National Foundation for Women Legislators (NFWL) recognizes the strong governmental interests in ensuring continued access to local broadcast signals for all consumers and in fostering a diverse television programming industry; and

WHEREAS, the carriage of local broadcast signals on cable systems and other distribution platforms is governed by a regulatory regime referred to as “retransmission consent” and the retransmission consent rules, adopted nearly 20 years ago under significantly different competitive conditions than exist today, conferred a host of advantages on local broadcasters in their carriage negotiations with cable systems; and

WHEREAS, broadcasters today enjoy far more distribution options—including cable, satellite, and Internet platforms—and thus far more negotiating leverage over individual distributors than they had 20 years ago; and

WHEREAS, the breakdowns in the retransmission consent system cause a number of harms to consumers, including consumer confusion surrounding the negotiations between the broadcasters and the distributors and the threats to “go dark” unless distributors meet their demands, the possible loss of these local signals, and possible higher subscription prices; and

WHEREAS, the negotiations increasingly appear to be timed to coincide with major television events, as was clear during the March 2010 dispute involving ABC and Cablevision on the evening of the Academy Awards, and during the December 2009 dispute involving FOX and Time Warner Cable on the eve of the college bowl season; and

WHEREAS, escalating retransmission consent fees are also soaking up funds that were once available for the carriage of diverse, independently owned networks, thus causing a large number of these independent programmers to be deprived of reasonable compensation or to be excluded from carriage altogether; now

THEREFORE BE RESOLVED, that NFWL’s National Policy Committee on Business, Housing & Economic Development calls upon the Federal Communications Commission (FCC) to carry out its duty to protect the public interest by opening a rulemaking proceeding to update its rules governing retransmission consent to reflect current competitive realities; and

BE IT FURTHER RESOLVED, that this Committee calls on the FCC to establish a dispute-resolution or rate-setting mechanism and to provide for interim carriage while Commission proceedings are underway, in order to ensure that viewers are not held hostage by threats to withhold their signals and that retransmission fees do not unreasonably drive up rates for subscription television services; and

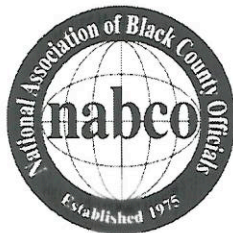
BE IT FURTHER RESOLVED, that this Committee encourages the Commission to explore how other related conduct—such as the joint negotiation of retransmission consent by multiple stations, the use of program exclusivity agreements to limit the distribution of broadcast programming, and the interference by major national networks in the retransmission consent negotiations of their independent affiliates—are undermining the government’s interests in diversity, localism, and competition.

THEREFORE BE IT FINALLY RESOLVED, that NFWL send a copy of this resolution to the President of the United States, members of Congress, and the Federal Communications Commission.

THE POWER TO MAKE THE DIFFERENCE FOR YOU

WWW.WOMENLEGISLATORS.ORG * ROBIN READ, PRESIDENT & CEO * NFWL@WOMENLEGISLATORS.ORG
910 16TH STREET, NW, SUITE 100 WASHINGTON, DC 20006 202-293-3040 FAX 202-293-5430
The Foundation qualifies as a tax-exempt organization under 501-c-3 of the Internal Revenue Code, Tax ID number 52-1480785

November 4, 2010



The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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Dear Chairman Genachowski:

The National Association for Black County Officials, which was formed in 1975 to provide an organizational structure for black county officials to review and develop responses to local and national issues, is announcing support to ensure that the FCC reviews and re-evaluates the current retransmission consent rules and insists upon binding arbitration when negotiations extend beyond an unreasonable amount of time.

Under the current retransmission consent rules, which took effect in 1994, consumers were recently left with nothing on their television sets, when Cablevision customers in the New York and Philadelphia markets got caught in the middle of a rate war. While broadcasters and multichannel video programming distributors "filibuster" over retransmission fees, the customers paid the price by being shut off from NFL Football games, the first two games of the World Series, and many of the most popular shows on television. It took two weeks of black screens for the two corporations to reach an agreement. This is happening much more frequently and we feel it is unfair to the consumer.

The FCC needs to take another look at these old rules and ensure that no consumer is harmed during these negotiations. That is why we are asking for the FCC to request a "Notice of Proposed Rulemaking." We are also requesting that the FCC demand binding arbitration when these "talks" seem to be at a standstill. We must ensure that the laws and the rules are fair, and in so doing, must always protect the citizens and the consumers during times of non-agreement and discussions concerning fees that could result in harm to our most precious commodity, the consumer.

Sincerely,

Arlanda J. Williams

Arlanda J. Williams
President
National Association of Black County Officials

The Leadership Conference
on Civil and Human Rights

1629 K Street, NW
10th Floor
Washington, DC
20006

202.466.3311 voice
202.466.3435 fax
www.civilrights.org



October 22, 2010

Chairman Julius Genachowski
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20054

Re: MB Docket No. 10-71, Petition for Rulemaking to Amend the Commission's
Rules Governing Retransmission Consent

Dear Chairman Genachowski:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, we are writing to encourage the Federal Communications Commission to review all rules governing programming negotiations between and among multichannel video programming distributors and content providers; and to ensure that the same rules are applied to retransmission consent negotiations as well as program access and program carriage rules.

The Leadership Conference has long been concerned that existing media consolidation has a negative impact on the creation and distribution of programming created by and for women and people of color. Our current media landscape is significantly lacking in programming that features women and people of color as actors, directors, and producers in popular entertainment and news.

In the present media system, only a small handful of content creators negotiate with a small handful of program distributors to bring video programming to the public. This means that artists and independent creative entrepreneurs have a very difficult time bringing to Americans the perspectives and content that reflects the true diversity of our nation.

Congress and the Commission have developed a series of rules governing the relationships between content providers and distributors that are designed to promote a diversity of voices and ensure communities have access to essential local news and information offered by over-the-air broadcasting. Unfortunately, when large companies negotiate carriage agreements, subscribers and viewers are often left in the middle, possibly being deprived of programming if corporate negotiations fail. Even worse, the highly concentrated media marketplace means that independent programming is left on the sidelines, while large cable programmers and broadcasters receive nationwide distribution for programming that offers little that serves the full diversity of the audience.

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Karen McGill Lawson

October 22, 2010

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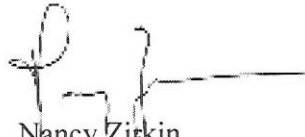
Many issues currently confront this Commission, and we strongly support the Commission's current efforts to focus on bringing broadband to all Americans as one of the most important priorities of this administration. At the same time, issues of traditional media and the marketplace structures that limit American access to independent and diverse voices are part of the underlying structural problems that perpetuate inequality in every aspect of American society.

We hope you will dedicate additional time in the coming year toward these issues, and we look forward to discussing several of these issues with you in the near future as you develop your priorities for 2011. Please contact Leadership Conference Media/Telecommunications Co-Chairs Cheryl Leanza, UCC Office of Communication, Inc., at 202-841-6033, or Chris Calabrese, ACLU, at 202-715-0839, or Corrine Yu, Leadership Conference Senior Counsel at 202-466-5670, if you would like to discuss the above issues or any other issues of importance to The Leadership Conference.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President



**Executive Committee
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October 15, 2010

The Honorable Julius Genachowski
Chairman, Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

The National Hispanic Caucus of State Legislators (NHCSL) represents over 300 Hispanic state legislators across the country. Our mission is to promote policies that increase quality of Life for Latinos and Americans. As the president, I write to request that you issue a Notice of Proposed Rulemaking on retransmission consent, to safeguard the interests of not only Hispanic communities, but all communities. Our constituents should be able to enjoy programming that is important to them, such as local news, sports, weather, Spanish-language-content, without concern of increased fees or blackouts from poorly-managed negotiations between carriers and content providers. NHCSL passed a resolution, sponsored by Representative Mara Candelaria-Reardon (IN) on this issue. This resolution may be viewed at www.nhcsl.org.

Retransmission consent reform is needed to ensure that consumers are not deprived from programming as a result of last-minute negotiations which could cause blackouts or loss of service. We therefore encourage retransmission reform that may include binding arbitration to ensure uninterrupted service to consumers while negotiations take place.

Over the past few years, there have been a growing number of last-minute retransmission negotiations between broadcasters and multichannel video programming distributors (MVPDs), which have placed consumers in the middle of a battle. We ask that the FCC take a stand and reform retransmission consent to ensure affordable broadcast television without the threat of interrupted services. Consumers, including Hispanics, are bearing the increased costs in the form of higher cable and satellite rates. It is important to mention that during the March 2010 ABC network blackout left over 3.1 million viewers in the dark. Hispanic viewers were unable to view a special program regarding

the February 27th Chilean earthquake – an earthquake that may have affected many of their friends and family members.

The current rules for retransmission consent are archaic and no longer make sense. We request that the Commission safeguard the interests of Hispanics and of all consumers by promptly issuing a Notice of Proposed Rulemaking to consider a restoration of balance in the ever-changing, ever-evolving programming market.

Sincerely,

A handwritten signature in cursive script, reading "Iris Y. Martinez".

Senator Iris Y. Martinez (IL)

President, National Hispanic Caucus of State Legislators



NHCSL 2010 RATIFIED RESOLUTIONS

THE ATTACHED RESOLUTIONS WERE RATIFIED AT THE 2010 NHCSL ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS, ON NOVEMBER 13TH, 2010.

NHCSL 2010 Ratified Public Policy Resolutions
NHCSL
444 North Capitol Street NW Suite 404
Washington, DC 20001

A Resolution

Calling on the Federal Communications Commission to Reform Its Rules Governing Retransmission Consent to Ensure Those Rules Protect Consumers

Short Title: FCC Reform of Retransmission

WHEREAS, the National Hispanic Caucus of State Legislators (NHCSL) recognizes the strong governmental interests in ensuring continued access to local broadcast signals for all consumers, including Hispanic viewers, and in fostering a diverse television programming industry; and

WHEREAS, the carriage of local broadcast signals on cable systems and other distribution platforms is governed by a regulatory regime referred to as "retransmission consent"; and

WHEREAS, the retransmission consent rules, adopted nearly 20 years ago under significantly different competitive conditions than exist today, conferred a host of advantages on local broadcasters in their carriage negotiations with cable systems; and

WHEREAS, broadcasters today enjoy far more distribution options including cable, satellite, telco, and Internet platforms-and thus far more negotiating leverage over individual distributors than they had 20 years ago; and

WHEREAS, the breakdowns in the retransmission consent system cause a number of harms to consumers, including consumer confusion surrounding the negotiations between the broadcasters and the distributors and the threats to "go dark" unless distributors meet their demands, the possible loss of these local signals, and the possible higher subscription prices; and

WHEREAS, the negotiations are increasingly timed to coincide with major television events, as was clear during the March 2010 dispute involving ABC and Cablevision on the evening of the Academy Awards, and during the December 2009 dispute involving FOX and Time Warner Cable on the eve of the college bowl season; and

WHEREAS, escalating retransmission consent fees are also soaking up funds that were once available for the carriage of diverse, independently owned networks, thus causing a large number of these independent programmers to be deprived of reasonable compensation or to be excluded from carriage altogether.

THEREFORE BE RESOLVED, that NHCSL calls upon the Federal Communications Commission (the Commission) to carry out its duty to protect the public interest by opening a rulemaking proceeding to update its rules governing retransmission consent to reflect current competitive realities; and

BE IT FURTHER RESOLVED, that NHCSL calls on the Commission to establish a dispute-resolution or rate-setting mechanism and to provide for interim carriage while Commission proceedings are underway, in order to ensure that viewers are not held hostage by threats to withhold their signals and that retransmission fees do not unreasonably drive up rates for subscription television services; *and*

BE IT FURTHER RESOLVED, that NHCSL encourages the Commission to explore how other related conduct-such as the joint negotiation of retransmission consent by multiple stations, the use of program exclusivity agreements to limit the distribution of broadcast programming, and the interference by major national networks in the retransmission consent negotiations of their independent affiliates-are undermining the government's interests in diversity, localism, and competition *and*;

THEREFORE BE FINALLY RESOLVED, that NHCSL send a copy of this resolution to the President of the United States, members of Congress, and the Federal Communications Commission.

Sponsored by: Representative Mara Candelaria Reardon (IN)

THIS RESOLUTION WAS ADOPTED ON , AT THE NHCSL EXECUTIVE COMMITTEE MEETING HELD IN LOUISVILLE, KENTUCKY AND RATIFIED AT THE NHCSL 2010 ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS ON NOVEMBER 13TH, 2010.

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www.consumer-action.org

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213-624-4631**

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

October 19, 2010

Dear Chairman Genachowski:

As the Cablevision-Fox dispute stretches into its fifth day, I take this opportunity to applaud your statement that the "petty gamesmanship" needs to end. Consumer Action¹ agrees. After all the attention paid and money poured into the digital transition of broadcast channels to protect "free" TV, broadcasters who get free spectrum from the public should not hold viewers hostage in retransmission negotiations with video distributors.

Such feuds over retransmission fees are becoming increasingly commonplace, with five blackouts this year alone. They have affected about 19 million viewers across the country. And they have blocked access to widely viewed events such as the Academy Awards and professional sports games.

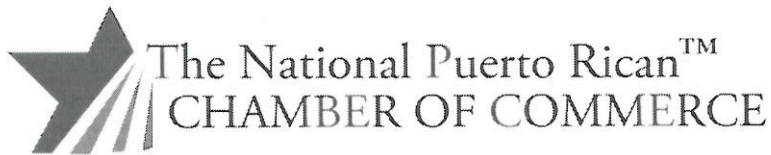
Consumer Action respectfully urges the Commission to reconsider outdated retransmission consent rules and issue a Notice of Proposed Rulemaking that will protect consumer access to broadcast television without the fear of increased costs or interrupting programming, due to higher and higher retransmission fees.

Sincerely,



Linda Sherry
Director, National Priorities

¹ Through multilingual financial education materials, community outreach, and issue-focused advocacy, Consumer Action empowers underrepresented consumers nationwide to assert their rights in the marketplace and financially prosper.



866.576.5222
info@NPRChamber.org
www.NPRChamber.org

October 13, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Genachowski:

The National Puerto Rican Chamber of Commerce supports the development of entrepreneurship and innovation for Hispanics and other minorities throughout Puerto Rico and the U.S. mainland. We provide a comprehensive resource for incubating and growing business ideas as well as representing the interests of those businesses. In addition to the small business owner, we realize that the consumer drives the market. Therefore, we must ensure that small businesses and their customers are protected.

For this reason we are urging the Commission to update the existing retransmission consent rules. Not only do the current rules place consumers at risk of losing invaluable resources for news and information, as well as the potential for higher cable rates, but small business owners can lose one of their most valuable and reliable tools for advertising. Consumer spending is historically low and with a decrease in advertising channels, even a short pause in marketing opportunities for small businesses could place the business, as well as its employees, at serious risk.

From our work with Hispanics and other minorities, and understanding their frustration with the continuing threat of blackouts, we know how important it is to understand the dynamics behind minority populations and their relationship to television. Television for Hispanics has gone through many changes. For example, according to the National Association of Broadcasters, between 2000 and 2010 the number of Spanish-language stations increased over 57 percent and more than 25 percent of Hispanic television households currently rely solely on over-the-air broadcasting. Businesses that cater to Hispanic customers also rely heavily on these stations.

Short-term negotiations have not provided a reliable answer. Consumers and small businesses need long-term protection, and this can only come about if the existing retransmission consent rules are thoroughly examined and restructured. Although generally at odds with increased government intervention in free market business practices, our concerns with potentially monopolistic practices and the potential impact on Hispanics and their small businesses have driven us to respectfully request the Commission to issue a *Notice of Proposed Rulemaking* to permanently reform the retransmission consent rules.

Sincerely,

Justin Velez-Hagan

WWW.NPRCHAMBER.ORG

National Executive Director



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Technology Project
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Peachtree Street Project
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Atlanta, GA 30303
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Automotive Project
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660 Woodward Avenue
Suite 1433
Detroit, MI 48226
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Fax: (313) 963-8012

New Orleans Right to Return
and Reconstruction Project
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Phone: (504) 529-4223
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Energy and Science Project
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Suite 440
Houston, TX 77054
Phone: (713) 432-0209
Fax: (713) 218-7072

October 13, 2010

Hon. Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Fox Television Stations, Inc.

**Application for Renewal of License of WNYW(TV) and
WWOR-TV and Supplement to Petition for Modification of
Permanent Waiver**

**File Nos. BRCT-20070201AJS and BRCT20070201AJT
MB Docket No. 07-260**

Dear Mr. Chairman:

The Office of Communication of the United Church of Christ ("UCC") and the Rainbow PUSH Coalition ("Rainbow PUSH") have already demonstrated that grant of Fox Television's ("Fox's") renewal applications would not serve the public interest because of Fox's lack of candor and ex parte violations. We have also shown that the Commission should deny Fox's associated request for a further waiver of the newspaper-broadcast cross-ownership rule in order to promote diversity and competition to the New York media market. Fox's unreasonable conduct in its retransmission consent negotiations with Cablevision Systems Corp. ("Cablevision") dramatically illustrates the consumer harm from media concentration. We again respectfully urge the Commission to deny Fox's renewal applications and its waiver request.

Fox's conduct in advance of the October 12 expiration of its retransmission consent agreement with Cablevision raises serious issues of Fox's character and fair dealings. Rather than take steps consistent with its responsibilities as a trustee of the public airwaves, Fox's conduct reflects a cavalier disregard for the public.


At a minimum, Fox's irresponsible conduct offers clear proof that its ownership of WWOR and the New York Post harms the public and does not

Rev. Jesse L. Jackson, Sr., *Founder & President*
Martin L. King, *Chairman*
www.rainbowpush.org

advance media diversity or competition. To the contrary, Fox's refusal to engage in good faith negotiations violate the Communications Act and would substantially reduce the amount of programming available to New York area viewers. As we have shown, Fox has simply assumed the continued applicability of the WWOR waiver without any legal basis for doing so. Fox's most recent actions underscore why the Commission must act now to deny the waiver and remove any basis for Fox to argue that it has the right to own WWOR. As the beneficiary of past waivers, Fox's conduct as a licensee should have been exemplary. In the event, however, it has been anything but.

The imminent risk to the public of losing Fox television programming is a direct result of the Commission's failure to act in a timely and dispositive manner in the above-captioned proceedings, which has allowed Fox to continue to operate in violation of the Commission's rules and in blatant disregard of the interests of the public that broadcasters are legally obligated to serve. Denial of Fox's renewal applications and its waiver request are long past due. The Commission should not reward Fox's intolerable behavior.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jesse L. Jackson, Sr.".

Rev. Jesse L. Jackson, Sr.
Founder & President

cc: William Lake



55 Exchange Place, 5th Floor
New York, NY 10005
T. 212 233 8955 F. 212 233 8996

1522 K Street N.W., Suite 1130
Washington, DC 20005-1225
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www.hispanicfederation.org

October 12, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

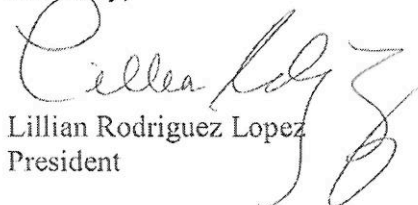
On behalf of the Hispanic Federation and its constituents nationwide, I am writing to urge the Commission to re-examine the retransmission consent regime.

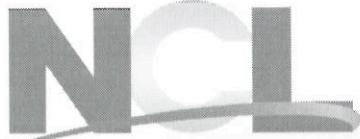
Over the last few years, there have been a growing number of retransmission consent negotiations between broadcasters and multichannel video programming distributors (MVPDs). As the stakes ratchet ever-higher, consumers have increasingly faced channel blackouts or threats of blackouts. In the last two years, consumers in Texas lost access to college football bowl games and the Oscars were blacked out across New York City. It is time to stop putting consumers in the middle of high stakes negotiations between these industries.

Communities all across our nation enjoy and rely on the news and entertainment offered by local broadcast television, but consumers have been left to foot the bill when clashes between MVPDs and broadcasters reach a boiling point. These economically challenging times have had a particularly disproportionate impact on Hispanic communities nationwide. Access to and affordability of broadcast programming is of paramount importance to all consumers, including Hispanic Americans.

The Commission must intervene to fix a retransmission consent regime that no longer works—and to protect consumers who are caught in the middle. I urge the Commission to issue quickly a Notice of Proposed Rulemaking.

Sincerely,


Lillian Rodriguez Lopez
President



NATIONAL CONSUMERS LEAGUE

1701 K Street, NW, Suite 1200 Washington, DC 20006

Main: (202) 835-3323 Fax: (202) 835-0247 www.nclnet.org

October 12, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Mr. Chairman:

We understand that Cablevision and Fox are engaged in negotiations regarding the renewal of the retransmission consent agreement for WNYW (New York channel 5), WWOR (New York channel 9) and WTXF (Philadelphia channel 29). We also understand that Fox has threatened to pull its programming if an agreement with Cablevision is not reached by October 15, 2010. That would mean Cablevision customers could lose access to the Major League Baseball National League Championship Series, and then the World Series.

The retransmission consent regime was put in place to benefit the public by ensuring consumer access to "free" over-the-air broadcasting. All too often, retransmission fights result in either higher cable rates for consumers or loss of programming.

Consumers are tired of being caught in the middle of these company fights. We urge you to tell both companies, which your agency regulates extensively, that they need to keep the programming on while they negotiate. Consumers should not be used as leverage by big networks in these programming fights.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sally Greenberg", written in dark ink.

Sally Greenberg
Executive Director
National Consumers League
(202) 835-3323



SEEING BEYOND

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Sen. Bettye Davis, AK
Region 12

LaKisha DeSartier
NBCSL Executive Director

September 28, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

The National Black Caucus of State Legislators prides itself on championing policies that will protect and benefit all Americans, continually striving for equality in an effort to uplift underserved communities. This is why it is important to our organization to ensure fairness, on behalf of minority consumers in communities that depend on local broadcasting for news, sports, weather, and entertainment, and ask the FCC to re-examine the retransmission consent issue.

On behalf of the National Black Caucus of State Legislators and our constituents across the nation, we urge the Commission to consider an update of the retransmission consent rules, in order that they protect consumer access to broadcast television, as well as protect consumers from excessive rate increases.

Changes in the competitive marketplace have made it easier for broadcasters to charge excessive rates for carriage, or even pull the signal from viewers, as has been done on several occasions. Losing access to broadcast programming that should be free and having to bear the burden of increased costs is unfair. The real losers are the consumers. Television is a much-needed service, and consumers should be able to enjoy broadcast television without the worry of increased cost or blackouts.

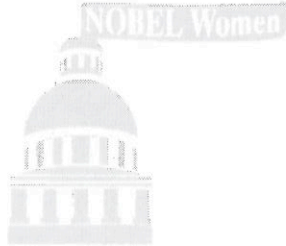
Therefore we urge the FCC to restore balance, protect communities from service disruptions and excessive rate increases, and issue a Notice of Proposed Rulemaking that will address this issue in a manner that ensures that minority communities and all communities do not suffer from an arbitrary loss of programming.

Thank you for your consideration in a matter that we feel is critical to the integrity of cable operators and broadcasters, as well as financially burdensome to those affected the most, the consumer.

Sincerely,

Calvin Smyre
President, National Black Caucus of State Legislators

*National Organization
Of
Black Elected Legislative Women*



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Hon. Arthenia L. Joyner, FL
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(Retired)

Hon. Sharon Weston Broome (LA)
National President

September 27, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

The National Organization of Black Elected Legislative Women (NOBEL Women) respectfully requests the Commission to reconsider outdated retransmission consent rules and issue a Notice of Proposed Rulemaking that will protect consumer access to broadcast television without the fear of increased costs or interrupting programming, due to higher and higher retransmission fees.

Women consumers, including struggling single mothers with limited income, should be able to rest assured that their monthly programming bills do not increase. Many mothers rely heavily on television as inexpensive entertainment for their children, and as an educational resource. With the threat of continued price increases, these low cost leisure and educational services may have to be cut from their budgets completely.

NOBEL Women's mission is to serve as the voice for women to address issues that affect them globally, as well as to inspire women to become involved in public policy by serving as a channel to provide economic and social justice. In reviewing and educating ourselves on the issue of retransmission reform, we feel our voice is needed to express concern over the potential harm to consumers that would be caused by continued

arbitrary price increases for programming.

We feel the need for the FCC to step in to ensure women are not burdened with increased costs or entertainment "blackouts" due to retransmission fees constantly increasing. We urge the FCC to please issue a Notice of Proposed Rulemaking that will help women, sisters, daughters, mothers and all consumers to rest assured balance will be restored to the retransmission consent regime and we can all rest easier at night watching our favorite shows.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon Weston Broome".

Sharon Weston Broome, President
National Organization of Black Elected Legislative (NOBEL) Women

**Resolution Calling on the Federal Communications Commission to Reform Its Rules Governing
Retransmission Consent to Ensure Those Rules Protect Consumers**

WHEREAS, the National Organization of Black Elected Legislative Women (NOBEL/Women) recognizes the strong governmental interests in ensuring continued access to local broadcast signals for all consumers, including African American viewers, and in fostering a diverse television programming industry;

WHEREAS, the carriage of local broadcast signals on cable systems and other distribution platforms is governed by a regulatory regime referred to as “retransmission consent”;

WHEREAS, the retransmission consent rules, adopted nearly 20 years ago under significantly different competitive conditions than exist today, conferred a host of advantages on local broadcasters in their carriage negotiations with cable systems;

WHEREAS, broadcasters today enjoy far more distribution options—including cable, satellite, telco, and Internet platforms—and thus far more negotiating leverage over individual distributors than they had 20 years ago;

WHEREAS, the breakdowns in the retransmission consent system cause a number of harms to consumers, including consumer confusion surrounding the negotiations between the broadcasters and the distributors and the threats to “go dark” unless distributors meet their demands, the possible loss of these local signals, and the possible higher subscription prices;

WHEREAS, the negotiations are increasingly timed to coincide with major television events, as was clear during the March 2010 dispute involving ABC and Cablevision on the evening of the Academy Awards, and during the December 2009 dispute involving FOX and Time Warner Cable on the eve of the college bowl season;

WHEREAS, escalating retransmission consent fees are also soaking up funds that were once available for the carriage of diverse, independently owned networks, thus causing a large number of these independent programmers to be deprived of reasonable compensation or to be excluded from carriage altogether; shall it

THEREFORE BE RESOLVED, that NOBEL/Women calls upon the Federal Communications Commission (“the Commission”) to carry out its duty to protect the public interest by opening a rulemaking proceeding to update its rules governing retransmission consent to reflect current competitive realities; and

BE IT FURTHER RESOLVED, that NOBEL/Women calls on the Commission to establish a dispute-resolution or rate-setting mechanism and to provide for interim carriage while Commission proceedings are underway, in order to ensure that viewers are not held hostage by threats to withhold their signals and that retransmission fees do not unreasonably drive up rates for subscription television services; and

RATIFIED JUNE 24, 2010
By NOBEL/WOMEN BOARD OF DIRECTORS

BE IT FURTHER RESOLVED, that NOBEL/Women encourages the Commission to explore how other related conduct—such as the joint negotiation of retransmission consent by multiple stations, the use of program exclusivity agreements to limit the distribution of broadcast programming, and the interference by major national networks in the retransmission consent negotiations of their independent affiliates—are undermining the government's interests in diversity, localism, and competition.

THEREFORE BE IT FINALLY RESOLVED, that NOBEL/Women send a copy of this resolution to the President of the United States, members of Congress, and the Federal Communications Commission.

FILED/ACCEPTED

JUL 15 2010

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THE COUNCIL OF
THE CITY OF NEW YORK

DANIEL R. GARODNICK
COUNCIL MEMBER, 4TH DISTRICT

Federal Communications Commission
Office of the Secretary

CHAIR
CITY ENGINEER
COMMITTEES
LAND USE
EDUCATION
TRANSPORTATION
PUBLIC SAFETY
ZONING & FRANCHISES

Via Facsimile and U.S. Mail

July 14, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

MB Docket
No. 10-71

Dear Chairman Genachowski:

I am writing in my capacity as Chair of the New York City Council's Committee on Technology and on behalf of my constituents to urge the Federal Communications Commission to address the broken framework of retransmission consent.

This March, 3.1 million Cablevision customers in New York, New Jersey, and Connecticut saw WABC pulled from service as the two companies continued to battle over retransmission rates. These customers missed the first 13 minutes of the Academy Awards, but this story is not unique.

In January, we saw the resolution of two retransmission disputes just before major college football games. Gridlocked negotiations between Time Warner Cable and Fox led to intervention by yourself and Senator John Kerry to ensure that the service would not be disrupted, and a deal was reached just in time for the Sugar Bowl on New Year's Day. Similarly, the battle between Mediacom and Sinclair Broadcasting was resolved the day before the Orange Bowl. These examples illustrate how programming that is delivered over the public's airwaves is being leveraged for higher retransmission rates which results in higher cable subscription rates for consumers.

Last-minute negotiations cause consumer confusion, higher rates, and service disruptions, and they afford consumers no recourse for loss of the service for which they have paid. Because it is unacceptable for customers to continue to be the victims in these industry battles, I have authored a resolution in the New York City Council that calls upon the Federal Communications Commission to establish a new framework that includes a process for resolving retransmission consent disputes between broadcasters and cable

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companies, and provides for interim carriage while negotiations or dispute resolutions are underway. A dispute resolution process and interim carriage would help negotiations to continue in good faith while consumers retain access to broadcast content. Such measures would mitigate the effects of retransmission consent battles on consumers and help ensure fairness in the process.

I applaud the Commission for taking up this matter. As you move forward with consideration of retransmission consent rules, I ask that you take into account all impacts on consumers and these proposed measures to alleviate them.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel R. Garodnick", with a stylized flourish at the end.

Daniel R. Garodnick

CC: U.S. Senator Charles E. Schumer
U.S. Senator Kirsten Gillibrand
U.S. Representative Carolyn B. Maloney
F.C.C. Commissioner Michael J. Copps
F.C.C. Commissioner Robert M. McDowell
F.C.C. Commissioner Mignon Clyburn
F.C.C. Commissioner Meredith Attwell Baker